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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,166	05/30/2006	Assaf Gil	3032/7	9414
7590		11/30/2007	EXAMINER	
Mark Friedman		VU, THONG H		
Bill Polkinghorn		ART UNIT		
9003 Florin Way		PAPER NUMBER		
Upper Marlboro, MD 20772		2619		
MAIL DATE			DELIVERY MODE	
11/30/2007			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,166

Applicant(s)

GIL ET AL.

Examiner

Thong H. Vu

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-6,9-22 are pending. Claims 7,8 are canceled.

Response to Arguments

2. Applicant's arguments filed 11/22/07 have been fully considered but they are not persuasive to overcome the prior art.

A. Applicant argues the prior art does not teach or suggest "the processing system, storage device, audio device and communication unit are all contained within said body of the doll"

Examiner points out the prior art taught the program is downloaded into the toy, and an integrated reprogrammable data storage device located within the toy [Sharpe, col 3 lines 1-8]

B. Applicant argues the prior art does not teach or suggest "communication unit being configured to operate under control of said processing unit in response to said input unit signal"

Examiner points out the prior art taught response to the input device [Sharpe, col 4 lines 40-45; col 10 lines 1-5].

C. Applicant argues the prior art does not teach or suggest "at least one user-operable switch manually operable by manipulation of at least one region of said boy"

Examiner points out the prior art taught "when pushing (e.g.: manually) a selected switch input for controlling the operation of the drive motor [Sharpe, col 5 lines 35-49]. It's clearly that the drive motor manipulates one region of toy body.

Thus, the rejection is sustained.

Claim Rejections - 35 USC § 103

Claims 1-6,9-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharpe III et al (6,012,961 A) in view of Bart et al [Bart 6,514,118 B1].

3. As per claim 1, Sharpe discloses a story-telling doll [Sharpe, A electronic toy 10, Fig 1] comprising:

(a) a doll body [Sharpe, toy 36, Fig 3];

(b) a processing system including at least one digital processor, said processing system being contained within said body; (c) a programmable data storage device associated with said processing system and contained within said body ; (d) an audio output device associated with said processing system and contained within said body [Sharpe, col 3 lines 1-8; col 4 lines 12-40, Fig 1];

(f) a communication unit associated with said processing system and contained within said body [Sharpe, col 3 lines 1-8, Fig 1], said communications unit being configured operable under control of said processing unit in response to said input signal to:

(i) initiate a data communications link via a general purpose communications network with a remote content provider source [Sharpe, modem, 96, Fig 4],

(ii) transmit to the remote content provider a request for download of at least one data file including audio content [Sharpe, download, col 5 line 9], and

(iii) receive the at least one data file including audio content from the remote content provider [Sharpe, remote computer via modem, col 2 line 22],

wherein the processor system is operative to save the at least one data file in said storage device and subsequently to play said audio content read from said at

least one data file via said audio output device [Sharpe, playback mode, col 9 line 3].

Sharpe also taught a switch 28A providing the toy behavior [Sharpe, switch 28A, Fig 2]. However Sharpe does not explicitly detail

(e) at least one user-operable switch manually operable by manipulation of at least open region of said body, said at least one switch being operative to provide an input signal to said processing system;

In the same endeavor, Bart taught a stuff animal toy emulates the awakening upon the user touching or manipulating one of location or region of body thereby activating an audio message [Bart, abstract] [see Wingate reference for the same concept]

Therefor it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the toy with responsive behavior as taught by Bart into the Sharpe 's apparatus in order to utilize the behavior switch on the toy body.

Doing so would provide a capability of playing different features with audio messages.

4. As per claim 2, Sharpe-Bart disclose a modem [Sharpe, modem, 96, Fig 4],
5. As per claims 3,19 Sharpe-Bart disclose a PSTN [Sharpe, switching network, col 7 line 64].
6. As per claims 4, 18 Sharpe-Bart disclose cellular network [Sharpe, wireless network, col 7 line 61].
7. As per claims 5, 17 Sharpe-Bart disclose a socket [Sharpe, port 24, Fig 2].
8. As per claims 8,20 Sharpe-Bart disclose a switch manually operable by

manipulation of a head of the doll body [Sharpe, body part, col 6 line 20].

9. As per claim 9, Sharpe-Bart disclose a button [Sharpe, button switch 28A, Fig 2].

10. Claim 12 contains identical limitations set forth in claim 1. Therefore claim 12 is rejected for the same rationale set forth in claim 1.

11. As per claim 16, Sharpe discloses A story-telling doll comprising:

(a) a doll body [Sharpe, toy 36, Fig 3];

(b) a processing system including at least one digital processor, said processing system being contained within said body; (c) a programmable data storage device associated with said processing system and contained within said body; (d) an audio output device associated with said processing system and contained within said body [Sharpe, col 3 lines 1-8; col 4 lines 12-40, Fig 1];

and

(f) a communications unit associated with said processing system and contained within said body, said communications unit being configured to operate under control of said processing unit to:

(i) establish a data communications link with a cellular telephone [Sharpe, modem line, 96, Fig 4], and

(ii) receive from the cellular telephone at least one data file including audio content [Sharpe, remote computer via modem, col 2 line 22], wherein said processor system is operative to save the at least one data file in said storage device and subsequently to play said audio content read from said at least one data file via said audio output device [Sharpe, playback mode, col 9 line 3].

Sharpe also taught a switch 28A providing the toy behavior [Sharpe, switch 28A, Fig 2]. However Sharpe does not explicitly detail

(e) at least one user-operable switch manually operable by manipulation of at least one region of said body, said at least one switch being operative to provide an input signal to said processing system;

In the same endeavor, Bart taught a stuff animal toy emulates the awakening upon the user touching or manipulating one of location or region of body thereby activating an audio message [Bart, abstract] [see Wingate reference for the same concept]

Therefor it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the toy with responsive behavior as taught by Bart into the Sharpe 's apparatus in order to utilize the behavior switch on the toy body.

Doing so would provide a capability of playing different features with audio messages.

12. As per claims 13-15, Sharpe-Bart disclose a content type or category [Sharpe, text input, col 9 line 54].

Claims 10-11,21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharpe III et al (6,012,961 A) in view of Bart et al [Bart 6,514,118 B1] and further in view of Rifkin et al (5,873,765 A).

13. As per claim 10, Sharpe-Bart does not disclose a rechargeable battery. Rifkin

taught a toy with a battery power [Rifkin, col 4 line 7].

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the toy with battery as taught by Rifkin into the Sharpe 's apparatus in order to utilize the toy.

Doing so would provide the toy with power source to simulate the audio program and movement.

14. As per claims 11,22 Sharpe-Bart-Rifkin disclose a rechargeable battery deployed within said doll body for powering at least said processor system, said rechargeable battery being electrically connected to a connector; and a charging unit deployed separate from said doll body and configured for mating with said connector so as to charge said rechargeable battery as an alternative choice of batteries.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong H. Vu whose telephone number is 571-272-3904. The examiner can normally be reached on 6:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/560,166
Art Unit: 2619

Page 8

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Thong Vu
Primary Examiner

THONG VU
PRIMARY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Thong Vu', with a horizontal line underneath.